

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2637 – HB 3125

April 4, 2012

SUMMARY OF AMENDMENT (015392): Deletes all language after the enacting clause. Makes technical corrections. Authorizes the award of punitive damages in cases involving vicarious liability where the act or omission of an agent or employee is determined by special verdict based on clear and convincing evidence that the act was committed by someone employed in a management capacity and was acting within the scope of employment; the defendant was reckless in hiring, retaining, supervising, or training the agent or employee and such recklessness was the proximate cause of the injury; and the defendant authorized, ratified, or approved the act or omission with knowledge or conscious disregard for the injury. Defines “someone employed in a management capacity.”

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- According to the Administrative Office of the Courts, this bill may require additional time to adjudicate these types of cases. However, it is not anticipated that the need for additional time for adjudication will necessitate additional judicial resources.
- Therefore, the impact is not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/sbh

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